

Testimony of

Dana R. Briere

Before the Judiciary Committee

Friday, March 25, 2011

11:00 a.m.

H.B. 6620 AN ACT CONCERNING CONDOMINIUMS AND COMMON INTEREST OWNERSHIP COMMUNITIES

My name is Dana R. Briere and I oppose the Ombudsman bill.

My name is Dana Briere and I have lived in Windmill Springs Condominiums in Granby, Ct. since 1994. I have served as a board member several times over the years and in doing so have held the office of President, Vice President, and Treasurer.

Shortly after moving into Windmill Springs I was welcomed to the community with a special assessment of several thousand dollars. I immediately joined the board of directors. The community at the time was 10 years old and needed to address roofs that had been leaking since the association was developed. There were no reserves, i.e. savings, for major expenditures. We had the dubious honor of being one of the first associations in Connecticut to obtain a loan from a financial institution; to replace all the roofs in the complex. A reserve fund was also started, for future major replacement projects. Sadly, during the next 10 years the funds were not used in the wisest of ways due to poor management by several different boards.

In 2007, during a major siding project wherein another \$600,000 needed to be borrowed from a financial institution, it was felt by some unit owners that the seated board was incapable of addressing the issues at hand. Per our documents, a couple of owners (including myself) obtained the 20% of votes needed to call a special meeting. At that meeting the board members were removed. A new board was put in place and three years later we now have \$260,000 (and growing) in reserves to help defray the cost of paving and future re-roofing. It is very difficult to quickly make up for 25 years of poor financial stewardship.

I tell you this story to show that by following the Governing Documents of an association anything is possible for the owners. From getting involved, to making positive changes, to removing board members. And now with the recent changes to CIOA owners have even more succinct language as to their rights and abilities in dealing with boards and neighbors; the democratic process at work.

I have been a member of CAI-CT since 1995. I have attended more seminars than I can remember. I was very happy when the State of Connecticut adopted House Bill #5537 in 2006 "encouraging" board members to become educated (PDF attached), but I'm afraid that the statute doesn't hold much "bite" to motivate certain board members to get educated.

Over the years, as a CAI member, I've gotten calls from frustrated owners at other complexes looking for answers to issues they have with their boards or associations. Quite often these persons are past board members themselves. I find it ironic when I ask them what their documents say, pertaining to their particular issue at hand, and they have no idea what I'm talking about. How could a person serve on their

board and not even know/understand their governing documents? And herein the issue lies. Many associations deal with untrained board members; unit owners that don't want to get involved, until they personally have a problem; and apathy.

Many an owner buys into a condo for the "simple" life we've been taught that a condo purchase supposedly brings. It's a difficult situation. Of these owners I tried to help, they needed to learn that they, along with their neighbors, are the voice of change. They have the power. How is this any different than town, state or our national government? With the new CIOA legislation it is spelled out even more clearly for owners to know right from wrong and take action if need be.

Do we now need an Ombudsman to siphon off yet more money; from owners, associations, and managers? Yet more "tax" money for the state coffers?! NO, we do not!

I have always looked at my association as a mirror image of my town (residents) and its government, the state and its government, the nation and our federal government. We all pretty much follow the same rule book. When the town, state, and federal governments feel the need to have an Ombudsman to operate then perhaps I'll need one for my association too. But until then, my vote is a resounding no to the Ombudsman bill.

Sincerely,

Dana R. Briere

Mr. Dana R. Briere

6 Windmill Springs

Granby, Ct. 06035

860-653-6195



House Bill No. 5537

Public Act No. 06-23

AN ACT CONCERNING TRAINING FOR MEMBERS OF ASSOCIATIONS OF COMMON INTEREST COMMUNITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2006*) The executive board of each association of a common interest community, or an officer designated by the executive board, shall encourage each member of such association, including the officers and members of the executive board, and any managing agent of such association or person providing association management services to such association, to attend, when available, a basic education program concerning the purpose and operation of common interest communities and associations, and the rights and responsibilities of unit owners, associations and executive board officers and members. The executive board, or any such designated officer, may arrange to have any such program conducted by a private entity at a time and place convenient to a majority of the members of such association. All or part of any fees for such program may be designated as a common expense of the association and paid from association funds in such manner as may be determined by the executive board and approved by the association, consistent with the bylaws of the association and chapter 828 of the general statutes.

Approved May 2, 2006